IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

OP.No. 23129 of 2000(C)

PETITIONERS:

----

1. **BHASKARAN ANAVATHUKKAL,**
   PROCESS SERVER, DISTRICT COURT, KASARAGOD.

2. **RAJENDRAN.K.V., PROCESS SERVER,**
   DISTRICT COURT, KASARAGOD.

3. **K.GOPALAKRISHNAN, PROCESS SERVER,**
   DISTRICT COURT, KASARAGOD.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

----

1. **THE DISTRICT JUDGE, KASARAGOD.**

2. **THE REGISTRAR,**
   HIGH COURT OF KERALA, ERNAKULAM.

3. **M.SOMAPPA NAIK,**
   AMIN, DISTRICT COURT, KASARAGOD.

4. **K.RAMA NAIK,**
   AMIN, DISTRICT COURT, KASARAGOD.

5. **B.GOVINDA,**
   AMIN, DISTRICT COURT, KASARAGOD.

.2/-

6. SANTHA.M.,
AMIN, SUB COURT, KANHANGAD.

7. S.PADMANABHA,
AMIN, DISTRICT COURT, KASARAGOD.

*ADDL.R8 IS IMPLEADED:

R8. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

(*ADDL.R8 IS IMPLEADED AS PER ORDER DTD. 1/12/2004 IN I.A.NO.16824/2004)

BY ADV. SRI.U.P.KUNIKULLAYA for R3 to R7
SRI.ELVIN PETER P.J. For R1 & R2
BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN for Addl.R8

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.38962/2000 IN O.P.NO.23129/2000 C

DISMISSED

1/08/2007 **SD/- ANTONY DOMINIC, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE KERALA JUDICIAL MINISTERIAL SUBORDINATE SERVICE RULES, 1975.**

EXT.P2: **COPY OF THE AMENDMENT TO RULE 10 OF KJMSS RULES (THE RULE 10 OF KJMSS RULES 1975 AS AMENDED).**

EXT.P3: **COPY OF THE SPECIAL RULES FOR SPECIAL RECRUITMENT IN KERALA JUDICIAL MINISTERIAL SUBORDINATE SERVICE 1985.**

EXT.P4: **COPY OF THE RELEVANT PAGES OF THE SSLC MARK LIST ISSUED TO 1ST PETITIONER.**

EXT.P5: **COPY OF THE RELEVANT PAGES OF THE SSLC MARK LIST ISSUED TO THE 2ND PETITIONER.**

EXT.P6: **COPY OF THE RELEVANT PAGES OF THE MARK LIST ISSUED TO THE 3RD PETITIONER.**

/TRUE COPY/

P.S.TO JUDGE

KSS

Antony Dominic, J.

==========

O.P.No.23129 of 2000

==========

Dated this the 1st day of August, 2007.

JUDGMENT

Petitioners who are Process Servers in different courts filed this Original Petition mainly to quash Ext.P1, Kerala Judicial Ministerial Subordinate Service Rules, 1975 to the extent Rule 10 thereof provides that candidates belonging to Scheduled Castes/ Scheduled Tribes, who have passed standard VII or its equivalent will be considered eligible for appointment as Amin. It is submitted that in terms of the Rules, the posts of Amins are to be filled up by direct recruitment and by promotion which is from Attenders and Class II employees and the petitioners are aspiring for promotion in that category. It is stated that the promotion posts available to Amin are the posts of Typist, Lower Division

Clerk, etc. for which the minimum qualification is S.S.L.C. According to the petitioners, if the candidates belonging to Scheduled Castes/Scheduled Tribes who have not passed S.S.L.C. were appointed as Amins, there will not be further avenues of promotions for them and they will stagnate in the post. Consequently resultant stagnation will be caused to others also. It is in these circumstances that this Original Petition is filed seeking to quash Rule 10 of Ext.P1 as stated above.

2. On behalf of the eighth respondent, a counter affidavit has been filed in which it is stated as follows:

> "11. None of the grounds raised in the writ petition are legally sustainable. The High Court and Government have now decided to delete the proviso to Rule 10 of Kerala Judicial Ministerial Subordinate Service Rules, which provides for the relaxation in qualification to Scheduled Caste/Scheduled Tribes candidates and Ex-servicemen for the appointments to the post of Amin. The draft amendment in notification form has been forwarded from the High Court to the Government. The matter is under consideration of the Government.
>
> 12. Amendment to delete the proviso to Rule 10, of Kerala Judicial Ministerial Subordinate Service

> Rules has not yet been notified. Until then appointments could be made only as per the existing rules. As such Rule 10 provides that ex-servicemen and candidates belonging to Scheduled Caste/Scheduled Tribe who have passed Standard VII or its equivalent will be considered eligible for appointment as Amin. The appointments of respondents 3 to 7 were on the basis of the above provision. It is a fact that the career prospects of the petitioners are diminished because of these appointments."

It is evident from the above that the complaint now raised by the petitioners before this Court has been accepted by the Government and remedial action is being taken and according to them, amendment is only to be notified.

3. In view of above, no further orders are called for in this Original Petition except to direct finalisation of the proceedings for amendment as undertaken in paragraphs 11 and 12 of the counter affidavit of the eighth respondent. Such process shall be completed by the eighth respondent within a period of six months from the date of receipt of a copy of this judgment. Petitioners

are directed to produce copy of this judgment before the eighth respondent for compliance.

Original Petition is disposed of as above.

Antony Dominic,
Judge.

ess 1/8